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THE  
PROCEEDINGS

AT THE  
NEW BAYLEY,  
IN  
*WEAVER'S SQUARE.*

CONTAINING,  
TRIALS for *Treason, Misprision,*  
and all *Crimes and Misdemeanors*  
against the *State and Peace* of the  
REALM.

DEC 1 1830  
NUMBER I.

CONTAINING,  
The Trial of *JACK* of the STRAND, alias  
Count LIFFEY.

PUBLISHED,  
By Order of the COMMISSIONERS.

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PROCEEDINGS

OF THE

NEW JERSEY

WILMINGTON

CONTAINING

THE CASES FOR TRIAL  
AND ALL OTHER AND MISCELLANEOUS  
CASES OF THE COURT AND JURY OF THE

DEC 1 1926

NUMBER 1

CONTAINING

THE CASE OF JACK OF THE STRAND, alias  
COUNTY

BY ORDER OF THE COMMISSIONERS

DUBLIN

Printed for Thomas in New York

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NEW BAYLEY,  
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First Sittings, *Die Jovis, March 25.*

THE *Commission* being read, and the Court opened, Mr. *Recorder* of the *Liberties* set forth, in a learned and elegant Speech, the present Necessity of having Recourse to these extraordinary Courts, arising from Delays, unavoidably occasioned in the ordinary Courts, by a Multiplicity of Business, and interfering Rights and Privileges, obstructing the Course of Justice, (where such Rights and Privileges can be pleaded) to the irremediable Loss of Time, and Suspension of the due Operations of Law and Equity.



Then he acquainted the worthy Persons who had the Honour to be put on the *Commission*, that he had it in Command from the high and mighty Powers, the People, to remind, and admonish their Worships, of the indispensable Duty incumbent on them to observe Temper and Moderation in their Proceedings; and to discourage, as much as in them lay, vexatious, frivolous, and malicious Prosecutions, together with false Evidence, Prevarication, and Concealment of the Truth, as well as Misconstructions of Law and Cases, false and forced Precedents, and all Chicanery that might tend to impair the Liberty of the Subject, the Dignity of the Court, or the Honour of the People.

Next he addressed himself to the *Sheriffs*, putting them in Mind of the horrid Practices too often, and justly, complained of, in packing Juries, making out fraudulent and spurious Panels, suppressing good Men and true, and returning illegitimate *Jurors*, to the utter Eversion of Right and Equity, and manifest Perversion and poisoning of Justice in the first Sources, and turning out of the natural Channels the Streams should convey it to Mankind.

Then



Then applying himself to that respectable Body of good Subjects, commonly called the *Mob*, he commended the Sobriety of their Behaviour, and Reservedness of Carriage, on all past Occasions of exerting their executive Power; and recommended a Continuance of the same laudable Principles and Practice, to the End, that the Mouth of Calumny might be stopped, and the World be obliged to acknowledge, that as they were the highest of all Courts in Being, so they were, in proportioning Punishment and Reward, the most to be admired and commended, and consequently respected, by all Degrees of Men.

He next spoke to the *Grand-jury*, (already impannelled) and acquainted them, that there was nothing too high or too low to be the Object of their *Inquest*; that the Jurisdiction of the Court had none of the ordinary Bounds by which other Courts are limited, being founded on the good Will of the *Many*, and not restrainable by the *Few*. A willing Empire is ever the best founded, and gives the justest Idea of primæval Power, lodged in a *few* by the Consent of all, and to be supported by all, for the Happiness of every Individual who desires to be under, and not above, the Laws of Reason and Society. To those who

are so unhappy as to neglect these Laws the Order of Things will, doubtless, appear to be reversed, and Punishment for evil Deeds be looked upon as an Invasion on the native Rights of Mankind; the *Pillory* will be held in Detestation, the *Stocks* abominated, and on the Ruins of Nature it will be thought that *Newgate* has surely been established. As toward such he recommended the strictest Inquest to be had, and no Favour to be shewn; so, on the other Hand, with regard to unadvised and unintended Transgressions, where the Party appeared ignorant or misled, a leaning to the Side of Lenity he thought the most conducive to publick Emolument, as well as most consistent with good Policy and Humanity.

Having ended, and received the Thanks of the Court for his excellent and seasonable Advice, with a Request that his Speech might be printed, and having excused himself thereon, on Account of the same being spoken *extempore*, and without Notes, the following Persons were arraigned.

*First*, Jack of the Strand, alias Count Liffey, for Misprision of Treason, in that he was privy to the Design and traiterous Conspiracy of tying Neck and Heel, and delivering over to her mortal

mortal Enemy, his Sovereign, Lady *Betty Ireland*, without revealing the same, according to his Duty and Allegiance. *Secondly*, For a Misdemeanor.

The Indictments being traversed, and the Prisoner put in Mind of his *Challenges*, his first Challenge was, unfortunately, the *Jurisdiction* of the Court, which he denied, and demanded to be set at Liberty.

This ill-advised Step, made by the Prisoner, greatly aggravated their Worships; and the *Recorder*, rising with much Dignity, acquainted him, that the Court would not endure to have their Jurisdiction questioned; that greater Persons than he had been tried by that honourable Court, to which they had dutifully submitted; and that Persons still greater were shortly to take their Trials there; that the Court would do well to inflict on him the Pains and Penalties of *Misprison*, without farther Proceeding. On which the Prisoner, begging Pardon, submitted, and desired to be tried by his *Peers*.

This could not be refused him; but a Question arose, who his Peers were? and sundry Conjectures ensuing, very little to the Satisfaction of



the Court, though much to the Honour of the Prisoner, it was, at last, admitted, that his *Tales-men* were to be found in *College-Green*, and there only; a *long Pannel* of whom being called over, and put to the Book, the Prisoner challenged peremptorily the first twenty; and after the Court had reprimanded the *Sheriff* for exhibiting such a strange Set of *Jury-men* on a Trial of so great Consequence, the Prisoner was again cautioned not to challenge any more without Cause. The next Four put to the Book he challenged for Want of *Freeholds*; but was informed by the Court, that Men of Honour had no Need of *Freeholds*; and that Men who despised them, and set at nought private Property, and Possessions, and all Manner of Lucre, were held, by that Court, in the highest Esteem and Veneration; and they were sworn accordingly. To the next *Cast* the Prisoner objected, for being possessed of very great private Property, as well as lucrative Employments; but this was overruled, the Challenge, in the Opinion of the Court, being frivolous; and the Prisoner, finding it in vain to object any farther, put himself on Trial.

*Council for the Arraignment.* I shall not endeavour to aggravate a Crime of so deep a Dye as that the Prisoner is charged with; but, to make  
his

his Guilt the more evident to the *Court* and the *Jury*, will lay before your Worships some Particulars of the Prisoner's Life and Conversation. Where, or how, he was born, is a Point I am not instructed in; but he was known, in very early Youth, at all *Bear-baitings* and *Puppet-shows*, being noted for his Skill in a Kind of ludicrous Dance, called an *Hornpipe*, which he often practiced to amuse the Assistants at these Entertainments; and having a brisk, short, unencumbered Way of talking, (very agreeable to Persons of Distinction, as it neither requires Attention, loads their Apprehension, goes out of their Depth, or shoots over their Heads) he got himself quickly into good Company; which, had he been endued with Grace, or had any Tincture of good Morals, might have turned to his own Emolument, and the Good of Society; but the *Prisoner* having had, when young, no Turn to serious Thinking, or the reading of good Books, but delighting in *Novels*, *secret Memoirs*, *Amours of the Court of Lewis XIV.* *Atalantis*, *the Court of Carimania*, and the like, had no Kind of Conversation but what turned on Atchievements of Gallantry, and was no other Way useful to good Company, than as he testified, on all Occasions, a criminal Complaisance to their Pleasures, and was ready to promote an agreeable Intercourse  
between

between the Sexes : But, *ba nuga ducunt in seria*, from these trifling Accomplishments, he derived an Intimacy with Persons concerned in the Administration of Government, was let into all their Secrets, and, in particular, was privy to the Design and treasonable Conspiracy of which he is indicted ; and when we shall lay before your Worships a few cogent Proofs of it, there is little Doubt but the Jury will find him guilty.

*Will Hackabout* gave in Evidence, that the Prisoner had told him, at sundry Times, within two Years past, that he was offered a Salary of 1600*l. per Annum*, by a late *Steward* of the Lady, to assist in tying her on the 17th Day of *December*, 1753 ; and had, since that Time, been offered 200*l. per Annum*, to deliver her up to one he did not name, who, it seems, had a Mind to ravish her ; that he was heard to say, he would serve said Person faithfully.

*Thomas Freeman* deposed, that he met the Prisoner coming one Evening, last Summer, from *Ratbarnham*, when he insisted on drinking a Bottle of *Hock* with him at *Temple-Oge*, and that there he talked very wild, as appeared to the Evidence, and told what Secrets he was in, and how he might make his Fortune, if he discovered ; but that



that (swearing an Oath) he would rather die than desert his Friends; and farther said not.

He was indicted, a second Time, for a Misdemeanor, in endeavouring to debauch the Daughter of *Simon Makewight*, Chandler, in *Ram-Alley*.

*Robin Watchlight* deposed, that he had seen the Prisoner often at his Master's House, courting as it were, and intriguing with, the young Woman, and bragging of what he could do; sometimes dancing in the Parlour, and other Times kicking his Hat off a Peg at the Cieling, with other Feats of Activity to shew his Strength. Being asked at what Time of the Day or Night he saw him there? said, always about Dinner-time, and commonly went away in the Evening.

*Council for the Prisoner.* The Crime with which the Prisoner stands charged, I own, is of a dangerous Kind, and has a malevolent Aspect; but the greater the Offence, the clearer should be the Testimony on which the accused is to be convicted. It has, no doubt, been made appear to the Court, that the Prisoner is a Person of bad Morals, scandalously loose in his Conversation, and given to wild Courses among young Gentlemen of Wit and Pleasure about Town; to which I will add, that he is  
of

of a flimsy Capacity, a fiery Temper, a gasconading Spirit——

*Jack.* I beseech your Worships, I may not be reviled by my own Lawyer. I suspect he has taken double Fees.

*Lawyer, [aside to Jack.]* These are Flowers of *Rhetorick*, and highly useful in all laudable Perorations.

*Jack.* Nettles! by ——, and not Flowers!

*Lawyer.* They are Arguments *ex dato, sed non concessio*, and the highest Art of an *Advocate* is, to confess and avoid. [*To the Court.*] He is, please your Worships,—a Person of an indefensible Character, and I would by no means impose upon the Court by offering it, for an Extenuation of his Guilt; but if, from this very Character, bad as it has been laid before you, and much worse, as might be made appear, were the whole Truth laid before you——

*Jack.* A Plot upon my Life! pray your Worships, let me have fair Play. I desire to speak for myself, and not have my Case stated by such a hubble bubble Rascal.

*Lawyer.*

*Lawyer.* I say, should it appear, as it will appear to your Worships, that the Prisoner is of so low a Character as made it impossible he should get into good Company; of so low a Capacity as to make it impossible he should ever be hanged for a Plot; of so untutored an Education, as to make it impossible he should ever aspire to any other Share in the Administration of Government than what may belong to the executive Part of Justice at a Cart's Tail; that he was, in a Word, such an abandoned Whelp in Morals; of so tatter'd a Form in his Intellectuals; such an hazy, froathy Companion, by Way of Conversation; such a Bully in all Parties of Pleasure; and, in fine, so much the reverse of every Thing that can be agreeable to Persons who have the Honour to be concerned in *Treason*; should all this, I say, appear, as by the very Arraignment it does appear, his Character will be his Protection, and his Innocence appear by his Disposition to the Guilt. All Practices of *Treason* require Persons of good Talents, as well as good Characters, to conduct them. And is it to be presumed such a *Mooncalf* as the *Culprit* should ever be associated in them? To prove an *Alibi*, or a Person's being out of the Way on the Instance, is the highest Defence that we know of in favour  
of



of a Criminal; and shan't being all one's Life out of the Way of Sense, and all Commerce with Things serious, be a Defence on this Occasion? Treason is a very serious Affair, and without thinking, not to be undertaken: I insist on it, therefore, the Jury must acquit him of the Misprision, as it has not been proved he ever thought in his Life.

As to the *Misdemeanor*, I say nothing, and am inclinable to think him guilty; and any Punishment provided for a *Game at Romps* may be inflicted on him.

*Court.* *Gentlemen of the Jury*, you are to try the Prisoner on two Indictments, a *Misprision*, and a *Misdemeanor*. As to the first, the Evidence is pretty positive that he knew something of a treasonable Intention of somewhat or other. And *Hackabout* fixes a Design he was privy to on the 17th of *December*, for tying the Lady, and giving her up to one who designed to ravish her. But as no one is named, and as an *Intention* of that Kind is as impossible to be proved, as the Thing itself, (one depending on a Knowledge of the *Aggressor's* Mind, and the other on the Testimony of the *Prosecutor* only) nothing, in my Opinion, can be concluded from it. Besides,

were

were the Evidence as full as could be desired, the Offence would amount only to a *Misdemeanor*; so that unless you see more than I do in the Evidence, you must acquit him on it. As to the confessing, and avoiding, the *Council* for the Prisoner seemed to put his Defence on, I think, though not always favourable to the *Culprit*, it may be allowed here, and, at all Events, you would do well to acquit the Prisoner for *Insanity*.

*Jack*. Pray your Worships, what's the Meaning of that Word?

*Court*. It means a Person not in his Wits.

*Jack*. I'm greatly obliged to the Lenity of the Court, but had rather be hanged for a Politician, than acquitted for a Fool; for that's the plain *English* of it.

*Court*. The *Misdemeanor* is by no Means proved, as all appears by the Evidence is, that the Prisoner made a Sort of Love to the young Woman, and intrigued with her about Dinner Time. Now, there is a Kind of Love in the Old Stile, termed *Cupboard Love*; and it often happens, that what People judge to be an Intrigue with

with a young Woman, turns out, on a nearer View, to be only an Intrigue with a Leg of Mutton and Turnips. This Kind of Love is frequently seen among certain Gentlemen at Country Quarters, the Curates in City Parishes, Attornies Clerks, and young Barristers, and may, doubtless, descend to all Degrees of Persons who have larger Stomachs than Purfes. So, Gentlemen, go out.

The Jury staying a long Time, the Court broke up, and left them lock'd in. *Adjourn'd the Trials of two Persons of Distinction till the 27th Instant.*

END OF THE FIRST NUMBER.



Ex. M. 11.  
11/27/26